

**FINDING OF EMERGENCY
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**REGARDING THE CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 6 & 7**

The adoption of these regulations is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

These regulations implement the mandate of Health and Safety Code §130060(g) which was enacted by Senate Bill 90(Chapter 19, Statute of 2011). This statute provides an extension of the deadline for hospitals to comply with seismic safety requirements provided the hospitals meet specified milestones and conditions. This mandate also provides that regulations submitted to the California Building Standards Commission by Office of Statewide Health Planning and Development (OSHPD) to implement this statute shall be deemed emergency regulations and adopted as such.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code §130060(g). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code §130060(g). The OSHPD is proposing this regulatory action based on Health and Safety Code §130060(g).

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code, Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Seismic Safety Act.

Health and Safety Code, Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code, Sections 130000 through 130070 establishes responsibilities for the Office and for hospital owners regarding the seismic safety and retrofit of general acute care hospitals.

Health and Safety Code Section 130060(g) authorizes OSHPD to grant hospitals an extension of up to seven years beyond the 2013 seismic safety compliance deadline to retrofit or replace SPC-1 hospital buildings if certain milestones and conditions are met. OSHPD is also authorized to establish a fee to be charged to the hospital requesting an extension that would cover costs incurred by the Office for maintaining reports and for review and verification of extension request

documents. This fee is in addition to fees charged to the hospital for plan review, building permit issuance and construction observation services for the project.

Summary of Existing Regulations

Title 24, Part 1, Chapter 6 contains regulations governing the administration of the Hospital Seismic Retrofit program, including technical provisions for classifying hospital buildings by seismic risk and determining applicable seismic compliance deadlines.

Title 24, Part 1, Chapter 7 contains regulations governing the administration of safety standards for health facilities, including determination of fees, inspection requirements, and procedural requirements.

Summary of Effect

These proposed building standards will allow hospitals to meet the first milestone established by SB 90, which requires hospital owners to submit to the office, no later than March 31, 2012, a letter of intent stating whether it intends to rebuild, replace, or retrofit the building, or remove all general acute care beds and services from the building, and the amount of time necessary to complete the construction.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Small Business Affect

The scope of the proposed code change is to implement statute and to make technical modifications for clarity. These regulations will have no significant adverse impact on businesses.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no matters to be identified. These proposed regulations are in compliance with the mandated requirements of SB 90 (Chapter 19, Statute 2011).

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT(attached Form 399)

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**